

REMARKS/ARGUMENTS

STATUS OF THE CLAIMS

With this Amendment, Applicant has amended Claims 1, 10, 19, and 32. Applicant respectfully requests reconsideration of pending Claims 1-34.

CLAIM REJECTION – 35 U.S.C. § 112

Dependent Claims 11-12

Claims 11-12 stand rejected under 35 U.S.C §112, second paragraph. Claim 10 has been amended to provide antecedent basis for “the coupling member” of Claims 11-12. Applicant respectfully requests withdrawal of the 35 U.S.C. §112, second paragraph rejection of Claims 11-12.

Dependent Claim 19

Claim 19 stands rejected under 35 U.S.C §112, second paragraph. Claim 19 has been amended to recite “the cavity” for which antecedent basis is provided in Claim 13. Applicant respectfully requests withdrawal of the 35 U.S.C. §112, second paragraph rejection of Claim 19.

Dependent Claim 33

Claim 33 stands rejected under 35 U.S.C §112, second paragraph. Claim 32 has been amended to provide antecedent basis for “the coupling member” of Claim 33. Applicant respectfully requests withdrawal of the 35 U.S.C. §112, second paragraph rejection of Claim 33.

CLAIM REJECTION – 35 U.S.C. § 102

Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. § 102 as being unpatentable over United States Patent No. 5,732,580 issued to Garnault et al. (hereinafter “Garnault”).

Amended Claim 1 specifies a locking mechanism with “a guide positioned substantially within the sleeve.” Garnault discloses a sleeve 16 positioned between a rotor 12 and a stator 14. The sleeve 16 has axial notches 42 that are open toward a front axial end 44 of the sleeve 16. Guide lugs 40 of an indexer 28 engage the axial notches 42 of the sleeve 16 to provide permanent rotational coupling of the indexer 28 and the sleeve 16. In a locked position when an incorrect key is inserted into the rotor 12, the sleeve 16 can rotate with respect to the stator 14. In the locked position when a correct key is inserted into the rotor 12, the rotor 12 can pivot freely with respect to the sleeve 16. In an unlocked position, the rotor 12 can drive the sleeve 16 so that the sleeve 16 rotates the indexer 28. If the sleeve 16 of Garnault is the “guide” of Claim 1 and the indexer 28 of Garnault is the “sleeve” of Claim 1, the sleeve 16 is not positioned substantially within the indexer 28. Rather, the guide lugs 40 of the indexer 28 are only coupled to the axial notches 42 of the sleeve 16.

Accordingly, Garnault does not disclose, teach, or suggest a locking mechanism with “a guide positioned substantially within the sleeve,” as required by amended Claim 1. Therefore, independent Claim 1 and dependent Claims 2-12 are allowable.

Dependent Claims 2-8, 10, and 12

Claims 2-8, 10, and 12 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Garnault. Claims 2-8, 10, and 12 depend from independent Claim 1 and are therefore allowable for the reasons set forth above with respect to Claim 1. Claims 2-8, 10, and 12 also include additional patentable subject matter not specifically discussed herein.

Independent Claim 13

Claim 13 stands rejected under 35 U.S.C. § 102(b) as being unpatentable over Garnault.

Claim 13 specifies a locking mechanism with “at least one guide defining at least two engagement surfaces and including a radially-extending drive projection.” Garnault discloses a sleeve 16 with axial notches 42 that are open toward the axial end 44 of the sleeve 16. If the sleeve 16 of Garnault is the “guide” of Claim 1, the sleeve 16 does not include a radially-

extending drive projection. The sleeve 16 includes axial notches 42, as shown in Figure 1 of Garnault, but does not include any radially-extending projections.

Accordingly, Garnault does not disclose, teach, or suggest a locking mechanism with “at least one guide defining at least two engagement surfaces and including a radially-extending drive projection,” as required by Claim 13. Therefore, independent Claim 13 and dependent Claims 14-23 are allowable.

Dependent Claims 14-21 and 23

Claims 14-21 and 23 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Garnault. Claims 14-21 and 23 depend from independent Claim 13 and are therefore allowable for the reasons set forth above with respect to Claim 13. Claims 14-21 and 23 also include additional patentable subject matter not specifically discussed herein.

CLAIM REJECTION – 35 U.S.C. § 103

Dependent Claim 9

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Garnault in view of United States Patent No. 6,711,924 issued to Ritz (hereinafter “Ritz”). Claim 9 depends from independent Claim 1 and is therefore allowable for the reasons set forth above with respect to Claim 1.

In addition, dependent Claim 9 specifies “a biasing member at least partially received within the housing, the actuator having a biasing surface engageable with the biasing member to thereby bias the actuator toward a predetermined angular position with respect to the housing.”

Garnault teaches a lock 10 with a helical compression spring 30 for biasing a driving sleeve 26 and an indexer 28 axially forward into an engaged position. The spring 30 engages an annular thrust face 96 located between a front portion 68 and a rear portion 66 of the driving sleeve 26. A second end of the spring 30 bears axially against a second thrust face 98, which is a forwardly facing transverse annular face of the rotor 12. If the driving sleeve 26 of Garnault is

the “actuator” of Claim 9 and the stator 14 of Garnault is the “housing” of Claim 9, Garnault does not teach a biasing member that biases the driving sleeve 26 toward a predetermined position with respect to the stator 14. The spring 30 of Garnault biases the rotor 12, not the stator 14.

Applicant also respectfully submits that Ritz cannot be used to reject the claims of the present application under 35 U.S.C. § 103. Ritz is prior art to the present application under 35 U.S.C. §102(e). The subject matter in Ritz and the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely, Strattec Security Corporation of Milwaukee, Wisconsin. Accordingly, under 35 U.S.C. §103(c), the subject matter of Ritz shall not preclude patentability of the claims of the present application. Under MPEP 706.02, common ownership and/or a common obligation of assignment is sufficient to disqualify the use of Ritz in a rejection under 35 U.S.C. §103(a). Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claim 9 as being unpatentable over Garnault in view of Ritz.

Accordingly, dependent Claim 9 specifies additional patentable subject matter.

Independent Claim 24

Claim 24 stands rejected under U.S.C. § 103(a) as being unpatentable over Garnault in view of United States Patent No. 6,439,016 issued to Wittwer et al. (hereinafter “Wittwer”) or Ritz.

Claim 24 specifies a locking mechanism with “first and second diametrically opposed guides defining a pair of engagement surfaces.” If the sleeve 16 of Garnault serves as the “guides” of Claim 24, the sleeve 16 does not include two diametrically opposed elements, nor does the sleeve 16 define a pair of engagement surfaces. Rather, Garnault teaches a single piece sleeve 16 interposed between a rotor 12 and a stator 14. A window 36 of the sleeve 16 receives pallets 32 when an incorrect key is introduced into the rotor 12.

Claim 24 also specifies a locking mechanism with “a substantially cylindrical sleeve surrounding at least some of the retractable protrusions and at least a portion of the first and

second guides.” If the indexer 28 of Garnault is the “sleeve” of Claim 24 and the sleeve 16 of Garnault serves as the “guide” of Claim 24, the indexer 28 does not surround a portion of the sleeve 16. Rather, only guide lugs 40 of the indexer 28 are received in the axial notches 42 of the sleeve 16.

Wittwer does not cure the deficiencies of Garnault. Wittwer teaches three devices 71, 72, 73 for mounting in doors of vehicles. The devices 71, 72, 73 each have two sets of tumblers 15. However, the devices 71, 72, 73 do not include “first and second diametrically opposed guides defining a pair of engagement surfaces” or “a substantially cylindrical sleeve surrounding at least some of the retractable protrusions and at least a portion of the first and second guides,” as required by Claim 24.

Neither Garnault nor Wittwer, alone or in combination, teaches or suggests a freewheeling locking mechanism with “first and second diametrically opposed guides defining a pair of engagement surfaces” and “a substantially cylindrical sleeve surrounding at least some of the retractable protrusions and at least a portion of the first and second guides,” as required by Claim 24.

Applicant also respectfully submits that Ritz cannot be used to reject the claims of the present application under 35 U.S.C. § 103. Ritz is prior art to the present application under 35 U.S.C. §102(e). The subject matter in Ritz and the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely, Strattec Security Corporation of Milwaukee, Wisconsin. Accordingly, under 35 U.S.C. §103(c), the subject matter of Ritz shall not preclude patentability of the claims of the present application. Under MPEP 706.02, common ownership and/or a common obligation of assignment is sufficient to disqualify the use of Ritz in a rejection under 35 U.S.C. §103(a). Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claim 24 as being unpatentable over Garnault in view of Ritz.

In view of the above, independent Claim 24 and dependent Claims 25-34 are allowable.

Dependent Claims 25-32 and 34

Claims 25-32 and 34 stand rejected under U.S.C. § 103(a) as being unpatentable over Garnault in view of Wittwer or Ritz. As noted above, Ritz cannot be used to reject the claims of the present application under 35 U.S.C. § 103. Claims 25-32 and 34 depend from independent Claim 24 and are therefore allowable for the reasons set forth above with respect to Claim 24. Claims 25-32 and 34 also include additional patentable subject matter not specifically discussed herein.

Dependent Claims 11, 22, and 33

Claims 11, 22, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garnault in view of either Ritz or United States Patent No. 6,058,751 issued to Dimig et al. As noted above, Ritz cannot be used to reject the claims of the present application under 35 U.S.C. § 103. Claims 11, 22, and 33 depend from independent Claims 1, 13, and 24, respectively, are therefore allowable for the reasons set forth above with respect to Claims 1, 13, and 24. Claims 11, 22, and 33 also include additional patentable subject matter not specifically discussed herein.

CONCLUSION

In light of the above, Applicant respectfully requests reconsideration and allowance of pending Claims 1-34.

Respectfully submitted,



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